

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5821 of 2016

Arising Out of PS.Case No. -191 Year- 2015 Thana -BHANGWANPUR HAT District- SIWAN

1. Akbar son of Late Jalil Mian resident of Village - Barka Gaon, Tola -
Mauza, P.S. - Bhagwanpur Hat, District - Siwan..... Petitioner

Versus

1. The State of Bihar. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh

For the Opposite Party/s : Mr. Madan Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 01-04-2016 Heard learned counsel for the petitioner and learned APP for the Sate.

The petitioner seeks bail in connection with Bhagwanpur Hat P.S. Case No. 191 of 2015 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Allegedly, Prakash Kumar Prasad, the son of the informant, was taken away by the petitioner and Abhishek Prasad to watch the fair by motorcycle and in the night the petitioner came at the door of the informant and told her that Prakash Kumar Prasad met with an accident and he is admitted in P.H.C., Bhagwanpur where the informant went and saw her son dead.

Submission is of false implication and that besides suspicion there is nothing against the petitioner, no one has seen the petitioner assaulting the son of the informant, it can be a case of last seen and as such the petitioner who is suffering in custody since 09.11.2015 deserves sympathetic consideration to which learned APP opposes by

submitting that ante mortem injuries have been found on the person of the deceased and further the deceased was brought in the hospital by the Police and not by the petitioner which fact has been stated by witness Kameshwar Prasad in paragraph 8 of the case diary and further it is evident from paragraph 17 of the case diary also.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Bhagwanpur Hat P.S. Case No. 191 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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